

Message Text

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ORIGIN L-03

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DRAFTED BY: L/CA:JRBYERLY:JBM
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AF/S:JCTAYLOR

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FM SECSTATE WASHDC
TO AMCONSUL DURBAN
INFO AMEMBASSY PRETORIA
AMCONSUL CAPE TOWN
AMCONSUL JOHANNESBURG

UNCLAS STATE 203112

E.O. 11652:

TAGS: PDIP

SUBJECT: STATUS OF CONSULAR OFFICIALS IN SOUTH AFRICA

REF: DURBAN 00539

1. THERE IS NO AGREEMENT RE CONSULAR PRIVILEGES AND IMMUNITIES BETWEEN US AND SOUTH AFRICA EXCEPT US-UK CONVENTION FOR COMMERCE AND NAVIGATION OF JULY 3, 1815. SOUTH AFRICA IS NOT A PARTY TO THE VIENNA CONSULAR CONVENTION, AND IT IS QUESTIONABLE WHETHER THE PRINCIPLES OF THE VIENNA CONVENTION ARE BINDING ON SOUTH AFRICA AS A MATTER OF INTERNATIONAL LAW. IN PRACTICE, HOWEVER, SOUTH AFRICA APPEARS TO FOLLOW THE VIENNA CONVENTION, AT LEAST WITH RESPECT TO CONSULAR PRIVILEGES AND IMMUNITIES RE CIVIL AND CRIMINAL LAWSUITS. CONSUL MAY THEREFORE LOOK TO THE GENEVA CONVENTION FOR GUIDANCE AS TO SOUTH AFRICAN PRACTICE RE CONSULAR PRIVILEGES AND IMMUNITIES, BEARING IN MIND HOWEVER THAT THE CONVENTION
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DOES NOT LEGALLY BIND THE COUNTRY.

2. WITH RESPECT TO SPECIFIC QUESTION OF WHETHER CONSULAR OFFICERS AND THEIR DEPENDENTS ARE OBLIGATED TO GIVE EVIDENCE IN LEGAL PROCEEDINGS, RELEVANT SECTION OF VIENNA CONSULAR CONVENTION IS ARTICLE 44. GENERAL ANSWER WOULD APPEAR TO BE YES, EXCEPT WHERE EVIDENCE CONCERNS CONSULAR FUNCTIONS RE US

DOCUMENTS OR WHERE EVIDENCE AS TO US LAW IS REQUESTED. CHRISTOPHE
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC PRIVILEGES
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Sent Date: 25-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: L/CA:JRBYERLY:JBM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770309-0254
Format: TEL
From: STATE
Handling Restrictions: n/a
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Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Status: NATIVE
Subject: STATUS OF CONSULAR OFFICIALS IN SOUTH AFRICA
TAGS: PDIP, SF
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